

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

MONICA ABBoud, individually )  
and on behalf of all others )  
similarly situated, )

Plaintiff, )

v. )

AGENTRA, LLC, a Texas )  
limited liability company, )

Defendant. )

Case No. 3:19-cv-00120-K

**CERTIFIED  
TRANSCRIPT**

\*\*\*\*\*  
ORAL DEPOSITION OF  
CINDY DALE  
FEBRUARY 5, 2020  
VOLUME 1  
\*\*\*\*\*

ORAL DEPOSITION of CINDY DALE, produced as a  
witness at the instance of the Plaintiff, and duly  
sworn, was taken in the above-styled and -numbered cause  
on the 5th day of February 2020, from 9:57 a.m. to 12:08  
p.m., before TAMMY DICKSON CROSS, a Certified Shorthand  
Reporter in and for the State of Texas, reported by  
machine shorthand, at the law offices of Platt, Cheema +  
Richmond, PLLC, 1201 North Riverfront Boulevard, Suite  
150, Dallas, Texas 75207, pursuant to the Federal Rules  
of Civil Procedure and the provisions stated on the  
record or attached hereto.



A P P E A R A N C E S

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P R O C E E D I N G S

CINDY DALE,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. PELUSO:

Q Good morning. Can you please state your --  
state and spell your full name?

A Cindy, C-I-N-D-Y, Dale, D-A-L-E.

Q Okay. Have you ever been deposed before?

A Yes, about 25, 30 years ago.

Q Okay. Well -- well, as a refresher, go over  
some ground rules.

A Sure.

Q So we have a court reporter here. She's going  
to record everything that we say on the record.

A Okay.

Q So it's important that we don't talk over each  
other, so please wait until I finish asking my question  
before answer -- answering and I'll extend the same  
courtesy to you.

A Sure.

Q You also must answer audibly so that the court  
reporter can record the answer, no nodding yes or  
shaking your head no. And if you have any questions  
about my questions, please ask me; otherwise, I'll



1 assume that you understood the question when you  
2 answered it. Are you aware that you're under oath today  
3 and must tell the truth?

4 A Yes.

5 Q Are you on any medications that would prevent  
6 you from answering truthfully?

7 A No.

8 Q Okay. First, I just want to learn a little  
9 bit about you. Where were you born?

10 A Tulsa, Oklahoma.

11 Q Tulsa?

12 A Uh-huh.

13 Q How long did you live in Tulsa?

14 A For 31 years.

15 Q Okay. When did you -- well, did you move to  
16 the Dallas area after Tulsa?

17 A No. I actually moved to Los Angeles.

18 Q So you moved from Tulsa to Los Angeles and  
19 then -- and then to Dallas?

20 A Uh-huh.

21 Q How long have you lived in Dallas?

22 A 20 years.

23 Q Okay. Where did you -- where did you go to  
24 high school?

25 A East Central --



1 that -- to what the request is asking.

2 Q And other than speaking with your attorneys,  
3 there was no investigation?

4 MR. LIN: And objection, privilege.  
5 Don't disclose anything done at the request of your  
6 attorneys as well.

7 MR. PELUSO: Of course.

8 A Nothing else done.

9 Q Okay. And, finally, Request to Admit No. 11  
10 says, admit that the calls and text message calls that  
11 plaintiff received were made on your behalf or for your  
12 benefit. Response, defendant denies this request.

13 MR. LIN: Objection; outside the scope of  
14 the 30(b)(6) deposition.

15 Q Any investigations -- did Agentra conduct any  
16 investigations other than those directed by its  
17 attorneys?

18 A No.

19 Q Okay. All right.

20 MR. PELUSO: We're going to label this  
21 Exhibit 3.

22 (Exhibit 3 marked.)

23 Q Here you go. Have you seen this document  
24 before?

25 A Yes.



1           **Q     What is it?**

2           A     This is a text message that would have come  
3 from the CRM after an independent agent enrolls a  
4 consumer into our CRM. The CRM sends a text message to  
5 the individual with an agreement -- enrollment agreement  
6 for them to, if they agree, sign -- digitally sign.

7           **Q     When you say "the CRM," we're referring again**  
8 **to that on-line software that houses information about**  
9 **enrollees and agents?**

10          A     Correct.

11          **Q     So once an agent loads information into the**  
12 **CRM about a person who is in the process of enrolling --**

13          A     Yes.

14          **Q     -- the system sends out text messages like**  
15 **this?**

16          A     Yes. The agent, as part of the enrollment  
17 process, advises the consumer that they will receive a  
18 text message or e-mail from Agentra with an enrollment  
19 confirmation to -- to complete the enrollment to sign  
20 the agree- -- digitally sign the agreement.

21          **Q     Understood. And that is sent by Agentra's CRM**  
22 **software?**

23          A     Correct.

24          **Q     Okay. How are the text messages sent? Does**  
25 **someone have to manually type in the texts or is it an**





1 automatic thing that goes out from the CRM as soon as  
2 someone's enrolled?

3 A Once -- once the agent completes the  
4 enrollment, it automatically goes out.

5 Q What is the process of completing the  
6 enrollment?

7 A The consumer gives the agent their demographic  
8 information, depending on what product, they'd get  
9 additional information, dates of birth, product  
10 enrolled, and payment information.

11 Q And then the agent will load all that into the  
12 CRM and then what is there, like a submit button?

13 A Yes.

14 Q And then once the submit button's clicked, the  
15 text goes out?

16 A Correct.

17 Q Okay. And you said that Agentra informs its  
18 agents that the agents must inform the consumers that  
19 these text messages are going to be sent?

20 A Yes.

21 Q Okay. Does Agentra do anything to ensure that  
22 agents actually are notifying consumers that the text  
23 messages will be sent?

24 A It's part of the enrollment process.

25 Q Walk me through that. What do you mean it's



1 part of the enrollment process?

2 A Just as I said, they do -- complete the  
3 enrollment, advise -- in the system, advise the consumer  
4 they will receive a text message or an -- an e-mail.

5 Q I see. So as the agent is typing in the  
6 information, there's -- there's a reminder that pops  
7 up?

8 A Yes.

9 Q Okay. Okay. So this text message would have  
10 been sent through Agentra's CRM system?

11 A Yes.

12 Q Once the agent clicks submit, this would have  
13 gone out?

14 A Yes.

15 Q Okay.

16 MR. PELUSO: All right. We are going to  
17 label this -- what are we up to? 4?

18 THE REPORTER: Yes.

19 MR. PELUSO: -- Exhibit 4.

20 (Exhibit 4 marked.)

21 Q Here you go. All right. Have you seen this  
22 document before?

23 A Yes.

24 Q What is it?

25 A This is the enrollment confirmation.



1           **Q     What is an enrollment confirmation?**

2           A     This is the document that is sent out via text  
3 message or e-mail.

4           **Q     Right.**

5           A     And that the consumer receives, read through  
6 the agreement, if they agree with it, they  
7 electronically sign the agreement.

8           **Q     Understood. To be clear for the record, this**  
9 **is the document that -- that pulls up if you type in the**  
10 **URL from Exhibit 3 into a web browser?**

11          A     Correct.

12          **Q     You see on the bottom, it says**  
13 **<https://www.1enrollment.com>.**

14          A     Yeah.

15          **Q     What is 1enrollment.com?**

16          A     That's the enrollment system.

17          **Q     Okay. Is that different than the CRM?**

18          A     No. That is the CRM.

19          **Q     It's just called 1 Enrollment?**

20          A     It -- for the enrollment part of the system,  
21 yes.

22          **Q     Okay. But it's all the same CRM?**

23          A     Yes.

24          **Q     Okay. See on Page 1 here it says Data**  
25 **Partnership Group, LP?**



1 Q -- time?

2 Okay. You see the entry, the fourth one  
3 down, it says, December 26, 2018 at 11:45 a.m., a user  
4 named BMouse, the note says, mass update initiated by  
5 BMouse, delete effective date. Do you know what that  
6 means?

7 A It -- he deleted the effective date.

8 Q So the effective date being what?

9 A The date that the products would have become  
10 active.

11 Q Okay. And why would it be deleted?

12 A There was no -- the -- Ms. Abboud never signed  
13 the document --

14 Q Got it.

15 A -- so it was not complete.

16 Q Understood. Okay. Just real quick, on the  
17 next page, Page 3, what is this that I'm looking at?

18 A Where?

19 Q I'm sorry. On the bottom right where it says  
20 Agentra 00003.

21 A Oh, okay. Yes.

22 Q What is this?

23 A This is -- it's just the way this printed out.  
24 So is this the same -- no, this is a different  
25 enrollment, so it's just -- it's a different enrollment.



1 Q Okay. So that's why -- you know, the first  
2 one we were looking at said November 7, 2018, this one  
3 said January 22nd.

4 A Uh-huh.

5 Q Okay. The agent on -- on this, Agentra 0003,  
6 under the Set Up portion, it says, created January 22nd,  
7 2019, 11:24 a.m. The agent says 322087, Health Care  
8 Enrollment Center.

9 A Yes.

10 Q The first, Agentra 00001, the entry created  
11 November 7th, 2018 at 5:09 p.m., the agent is 310062, it  
12 says, I Life and Health Insurance Comp- -- Services.

13 A Yes.

14 Q Is that a different agent than Health Care  
15 Enrollment Center?

16 A Yes.

17 Q Okay. If you'd please turn to Agentra 000005.  
18 Do you see towards the top where it says Interactions?

19 A Yes.

20 Q So this says that on Monday, February 4th,  
21 2019, there was some sort of cancellation interaction.

22 A Yes.

23 Q Is that because Abboud called and canceled?

24 A Yes.

25 Q The description there says, member called



1 because she received cards, but did not agree to plan.

2 MR. LIN: Objection.

3 Q Not --

4 MR. LIN: Doesn't say did not.

5 MR. PELUSO: Oh, you're right. Sorry.

6 Q It -- it says, member called because she  
7 received cards, but did agree to plan. That's  
8 unintelligible to me. Do you have an understanding of  
9 why Abboud canceled, what reason was given?

10 A Yes.

11 Q What was that reason?

12 A The -- if you look at the notes, it said,  
13 reviewed docs, no verification call or esig, member  
14 upset and requested to cancel. She did not sign the  
15 agreement, so it should never have gone active. Her  
16 credit card was charged and it should not have. That  
17 was an error.

18 Q Understood. So for one reason or -- or  
19 another, even though she didn't sign, it enrolled her  
20 anyway?

21 A The date was not deleted, as you saw on that  
22 previous, where they went in and deleted that effective  
23 date, because the -- the document was not returned,  
24 the -- the signed enrollment agreement.

25 Q Okay.



1           A       That should have -- process should have been  
2 done on this and that was a human error. It was not --  
3 not done.

4           Q       Understood. Okay. All right. I'd like to  
5 direct your attention to Agentra 000008. Have you seen  
6 this document before?

7           A       Yes.

8           Q       Can you tell me what it is?

9           A       This was an e-mail that went out to agents  
10 back on March 19th.

11          Q       I see it was sent on March 19th. Do you know  
12 when it was drafted?

13          A       I do not recall.

14          Q       Do you know who drafted it?

15          A       I would have been the one to -- to draft it.

16          Q       Okay. Are there any other versions of this?

17          A       This particular e-mail? No. That would be  
18 the version.

19          Q       Okay. It says, from agent support at  
20 agentra.com to Kristen Oakley. Who is Kristen Oakley?

21          A       She works in agent support.

22          Q       Okay. It says, important announcement, TCPA.  
23 Dear Valued Agent, Agentra is consistently striving to  
24 remain compliant with all state regulations, federal  
25 laws, including but not limited to the Telephone



1 Consumer Protection Act, and professional insurance sale  
2 practices. Because of the serious nature, we want to  
3 make sure that you understand that no violation of these  
4 rules and regulations will be tolerated. Upon  
5 notification to Agentra of any allegation of an agent  
6 engaging in any prohibited act, that agent's enrollment  
7 portal will be turned off. The agent will be unable to  
8 enroll any future members until the matter has been  
9 resolved and proof has been provided that they are not  
10 in violation of any FTC laws. I'll stop right there.

11 Do you know how many agents have had  
12 their enrollment portals turned off?

13 A Probably 10.

14 Q 10?

15 A Uh-huh.

16 Q And of the 10, do you know how many have been  
17 able to get the portal turned back on?

18 A That actually enrolled again, I -- maybe two  
19 or three.

20 Q Okay. And when you -- when you tell the  
21 agents here that until the matter has resolved and proof  
22 has been provided, what sort of proof do you require?

23 A It can vary, again, depending on the  
24 allegation in the case. We consult with our attorneys.

25 Q Okay. Once a agent has his enrollment portal





1 turned off in the few cases where that agent's portal's  
2 been turned back on, does Agentra increase its  
3 monitoring of that agent to ensure that they're  
4 complying with the TCPA?

5 A Yes, in the respect we can. Again, we're  
6 limited.

7 Q What sort of additional oversight would --  
8 does Agentra do?

9 A Would just be more of reminders that any  
10 further violations could result in being terminated for  
11 cause.

12 Q Okay. So you would, essentially, just send  
13 TCPA compliance e-mails more frequently to that agent?

14 A Yes.

15 Q Okay. Has an e-mail like this been sent out  
16 other than on March 19th, 2019?

17 A There would have been prior, yes.

18 Q Okay. Is it something that gets sent out  
19 on -- on an annual basis?

20 A Annually or twice a year.

21 Q Okay. If you see, the last paragraph of this  
22 e-mail, it says, at Agentra our goal is to provide the  
23 consumer with the best benefits for their dollar. All  
24 agents are responsible for utilizing practices and lead  
25 sources that are vetted and legal. Does Agentra do



1 anything to monitor the lead sources of its agents?

2 A No.

3 Q Does it provide any guidance on how to vet  
4 lead sources and confirm that they're legal?

5 A No.

6 Q Does it periodically -- does it ask agents to  
7 periodically report their lead sources?

8 A No.

9 Q Does Agentra do anything to monitor which lead  
10 sources its agents are using?

11 A These are independent agents and any of them  
12 will not provide that. They consider it confidential  
13 information --

14 Q Has Agen- --

15 A -- for competitive reasons.

16 Q Has Agentra asked them in the past?

17 A Yes.

18 Q How were they asked?

19 A If there was a violation, TCPA violation, yes,  
20 they were asked to disclose the lead vendor.

21 Q Okay. But only after a complaint's been  
22 made?

23 A Yes.

24 Q Would those agents have been asked over the  
25 phone? Was a letter sent? How -- how were they



1 asked?

2 A Both. Could be both.

3 Q Just depends. Okay. And then it says, please  
4 take this notice as a positive step to train and retrain  
5 your agents to represent the products accurately.  
6 Training leads to better persistency and happier  
7 customers. Does Agentra provide any training to the  
8 agents?

9 A Not training, no.

10 Q So here, I'm -- I'm saying it's -- you're --  
11 you're -- this is Agentra sending an e-mail to its  
12 agents asking them to take this notice as a positive  
13 step to train and retrain agents. I'm asking if Agentra  
14 had any involvement in that training that you were  
15 requesting them to do?

16 A No. These agents -- a lot of these are call  
17 centers that have downline agents. So that statement  
18 was geared towards those that have downline agents.

19 Q When you say that they're call centers, so an  
20 agent like Health Care Enrollment Center that was  
21 associated with Abboud's lead, some of those agents have  
22 call centers?

23 A Some may; some may not. Yeah.

24 Q Okay. Does Agentra keep track of which agents  
25 it considers to be call centers?



1           A       If they have downline agents under them, yes.

2           Q       Explain that to me. Who would be the downline  
3 agent in that scenario? So Agentra has agents who  
4 operate call centers and you're saying that those call  
5 center agents have downline agents.

6           A       They could.

7           Q       I'm trying to understand what that --

8           A       There's different scenarios. It could be  
9 there's independent agents that work on their own,  
10 there's face-to-face agents, there's agents that enroll  
11 in a call center environment, there's a lot of different  
12 types of agents, there's some that have agents under  
13 them that report up to them --

14          Q       Uh-huh.

15          A       -- which are generally the ones doing training  
16 on compliance, their own type of compl- -- their own  
17 internal compliance and ensure they're complying with  
18 anything else they're supposed to comply with.

19          Q       Understood. Does the -- does Agentra's  
20 training of its own agents different in any way  
21 depending on the type? So if you have a face-to-face  
22 agent, do they receive a different sort of training than  
23 the call center agents?

24          A       As far as compliance?

25          Q       As far as TCPA compliance goes, yes.



1           A     They're -- regardless of what type, they're  
2 all expected to follow all state and federal guidelines,  
3 including TCPA.

4           Q     Okay. Is there any additional TCPA training  
5 or guidance or oversight as it relates to the agents  
6 that Agentra knows are call centers?

7           A     There would be more interaction at usually the  
8 top tier agent to ensure that they are training properly  
9 or that they are providing TCPA information to their  
10 downlines.

11          Q     What do you mean by the top tier agent?

12          A     Again, there's a top agent that may have  
13 agents under them in that call center environment.

14          Q     Okay. Okay. If you'd just turn -- turn the  
15 page to Agentra 000009. Have you seen this document  
16 before?

17          A     Yes.

18          Q     What is it?

19          A     This is an agent agreement. Supposed to be an  
20 agent agreement, yes.

21          Q     Okay. With Jake Gabbard of Health Care  
22 Enrollment Center?

23          A     Yes.

24          Q     Okay. And if you flip to Agentra 000015,  
25 is -- is this the -- just the signature page of the

